

BOARD OF APPEALS CASE NO. 4857

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BEFORE THE

APPLICANT: Roy Gullett

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ZONING HEARING EXAMINER

**REQUEST: Variances for an existing
garage and proposed addition;
1512 Maple Avenue, Perryman**

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 10/14/98 & 10/21/98

HEARING DATE: December 23, 1998

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Record: 10/16/98 & 10/23 98

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ZONING HEARING EXAMINER'S DECISION

The Applicant, Roy Gullett, is requesting a variance to Section 267-26(C)(1) of the Harford County Code, to permit an existing garage and proposed addition to exceed 50% of the square footage of habitable space of the principal building in an R3 District.

The subject parcel is located at 1512 Maple Avenue in the Second Election District. The parcel is identified as Parcel No. 315, in Grid 2-D, on Tax Map 63. The parcel contains .213 acres, more or less, all of which is zoned R3.

The Applicant appeared and testified that the subject parcel is improved by an existing garage with dimensions of 24 feet by 24 feet and the Applicant is requesting a variance to increase the size of the existing garage to 36 feet by 24 feet. The Applicant said the existing dwelling contains 850 square feet. The Applicant said the subject parcel is unique because the dimensions are 50 feet by 200 feet and that both he and his wife have medical problems and that the garage and addition would be helpful to them in inclement weather. The Applicant said that denial of the variance would cause practical difficulty and that he did not feel the variance would be substantially detrimental to adjacent properties or materially impair the purpose of the Code because he owns the adjoining property and, further, that none of his neighbors appeared in opposition to the request.

The Staff Report of the Department of Planning and Zoning did not make a recommendation, but suggested conditions if the request is approved.

No protestants appeared in opposition to the Applicant's request.

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CONCLUSION:

The Applicant is requesting a variance to Section 267-26(C)(1) of the Harford County Code to permit an existing garage and proposed addition to exceed 50% of the square footage of the habitable space of the principal dwelling. Section 267-26(C)(1) provides:

Use Limitations. In addition to the other requirements of this Part 1, an accessory use shall not be permitted unless it strictly complies with the following:

- (1) In the AG, RR, R1, R2, R3, R4 and VR Districts, the accessory use or structure shall neither exceed fifty percent (50%) of the square footage of habitable space nor exceed the height of the principal use or structure. This does not apply to agricultural structures, nor does it affect the provisions of Section 267-24, Exceptions and modifications to minimum height requirements. No accessory structure shall be used for living quarters, the storage of contractors' equipment nor the conducting of any business unless otherwise provided in this Part 1.**

The uncontradicted testimony of the Applicant was that the dwelling contains approximately 851 square feet and the garage with the addition contains 864 square feet. The Applicant said the subject parcel is unique because of its unusual shape. The record indicates the parcel is 50 feet wide and 200 feet deep. The Applicant said that denial of the variance would cause unnecessary hardship on the Applicant and his wife because both have medical problems and that the garage is necessary for the storage of their vehicle and other personal property. The evidence indicates that the height of the garage will not exceed the height of the principal dwelling and, further, no evidence was introduced that approval of the request would be substantially detrimental to adjacent properties or materially impair the purpose of the Code. The Applicant testified that the garage has been on the property for approximately 25 years without complaint from his neighbors and, further, no protestants appeared in opposition to the Applicant's request.

It is the finding of the Hearing Examiner that the subject parcel is unique for the reasons stated by the Applicant in his testimony and, further, that approval of the variance will not be substantially detrimental to adjacent properties or materially impair the purpose of the Code.

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Therefore, it is the recommendation of the Hearing Examiner that the requested variance for the existing garage and addition be approved, subject to the following conditions:

1. The Applicant obtain all necessary permits for the garage and other structures on the property.
2. The garage shall not be used for the storage of commercial vehicles and/or contractors' equipment.

Date FEBRUARY 4, 1999

**L. A. Hinderhofer
Zoning Hearing Examiner**